

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

DEC 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCO ANTONIO MORALES-ROA,

Defendant.

CR 13-93-BLG-DWM

ORDER

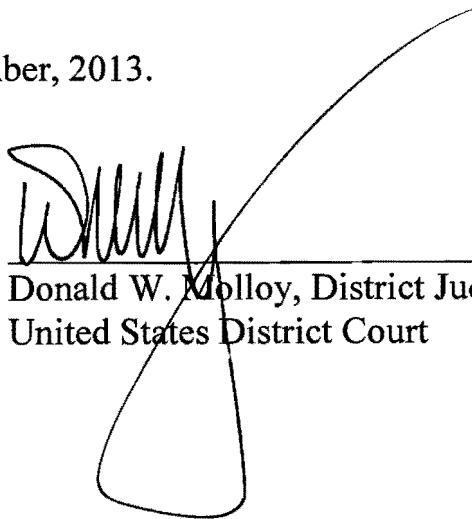
United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on December 6, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Ostby recommended this Court accept Marco Antonio Morales-Roa's guilty plea after Morales-Roa appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to Count III of the Indictment, which charges the crime of possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1).

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 27), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Marco Antonio Morales-Roa's motion to change plea (Doc. 20) is GRANTED.

DATED this 30th day of December, 2013.



Donald W. Molloy, District Judge
United States District Court